



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,210	12/28/2001	Seiya Shimizu	FUJH 19.301	7375

26304 7590 11/01/2007  
KATTEN MUCHIN ROSENMAN LLP  
575 MADISON AVENUE  
NEW YORK, NY 10022-2585

EXAMINER
----------

BEMBEN, RICHARD M

ART UNIT	PAPER NUMBER
----------	--------------

2622

MAIL DATE	DELIVERY MODE
-----------	---------------

11/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/033,210	<b>Applicant(s)</b> SHIMIZU, SEIYA	
	<b>Examiner</b> Richard M. Bemben	<b>Art Unit</b> 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5 and 8 is/are rejected.
- 7) ☒ Claim(s) 6-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 16 August 2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1 and 3-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. **Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,564,380 issued to Murphy in view of U.S. Patent No. 5,553,083 issued to Miller.**

Regarding **claim 1**, Murphy discloses a network storage type video camera system comprising:

camera terminal equipment (transmitter) for generating moving image data (c. 6, ll. 25-64; c. 7, ll. 49-53; c. 7, l. 61 – c. 10, l. 36; Fig. 2);

a network (c. 6, l. 65 – c. 7, l. 15); and

a moving image storage server (receiver) connected to the camera terminal equipment through the network, wherein the camera terminal equipment converts the generated moving image data into packets to transmit in real time to the moving image storage server (c. 10, l. 37 – c. 12, l. 11; Fig. 3).

However, Murphy does not disclose that the moving image storage server reports reception packet information on the received packets to the camera terminal equipment; and further, after real-time transmission of all of the packets converted from the generated moving image data from the camera terminal equipment (transmitter) is ended the camera terminal equipment retransmits lost packets which are stored in the camera terminal equipment and have been lost during the transmission to the moving image storage server, based on the reception packet information reported from the moving image storage server (receiver), so that the moving image storage server obtains the generated moving image data composed of the received and stored packets and retransmitted lost packets.

Miller discloses a system for transmitting data over a network (c. 3, l. 66 – c. 4, l. 25; Figs. 1&2) comprising a transmitter (c. 4, l. 1; Fig. 2, "20") and at least one receiver (c. 4, ll. 1-2; Fig. 2, "22"). Miller further discloses that the receiver reports reception packet information on the received packets to the transmitter (c. 4, ll. 7-9; Fig. 1, step 10); and further, after real-time transmission of all of the packets of data from the

Art Unit: 2622

transmitter is ended the transmitter retransmits lost packets which are stored in the transmitter and have been lost during the transmission to the receiver, based on the reception packet information reported from the receiver, so that the receiver obtains the data composed of the received and stored packets and retransmitted lost packets (c. 4, ll. 1-25; Fig. 1; c. 10, ll. 9-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to attempt to complete transmission of all data and then retransmit lost data as disclosed by Miller in the system disclosed by Murphy in order to provide fast and reliable transmission of files from a transmitter to one or more receivers over a network.

Regarding **claim 4**, refer to the rejection of claim 1 and Miller further discloses a drive mechanism in the transmitter for receiving memory medium to store the packets being supplied to the moving image sever after the completion of the real-time packet transmission to complement the lost packets having been lost during the real-time transmission; and in the moving image storage server (Fig. 5, transmitter has memory which inherently requires a drive mechanism), a drive mechanism in the receiver for receiving the memory medium to read in all (transmitted and retransmitted) packets (c. 4, ll. 43-55; receiver has memory which inherently requires a drive mechanism).

**5. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Miller in further view of U.S. Patent No. 6,978,306 issued to Miller et al., hereinafter "Miller '306".**

Regarding **claim 3**, Murphy in view of Miller discloses a network storage type video camera system with packet re-transmission capability (refer to the rejection of claim 1). However, Murphy in view of Miller does not disclose that the moving image storage server (receiver) restores the moving image data using both the packets being stored during the real-time packet transmission and the lost packets being supplied from the camera terminal equipment after the real-time transmission is complete.

Miller '306. discloses a real-time video stream distribution network comprising transmitters and receivers (c. 1, l. 65 – c. 2, l. 18; Fig. 1). Miller '306 further discloses packet retransmission due to a packet being lost or corrupted and that the receiver restores the moving image data using both the packets being stored during the real-time packet transmission and the lost packets being supplied from the camera terminal equipment after the real-time transmission is complete (c. 3, l. 55 – c. 4, l. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to restore the moving image data as disclosed by Miller '306 in the network storage type video camera system disclosed by Murphy in view of Miller so that the moving image is complete and its quality is maintained.

Regarding **claim 8**, refer to the rejection of claim 3 and Miller '306 further discloses a moving image regeneration terminal (Fig. 1, "108") being connected to the receiver (Fig. 1, "109") server through a network, for distributing to the moving image regeneration terminal a moving image being stored during the real-time recording, and

Art Unit: 2622

for distributing a restored moving image having no loss after the recording is completed (c. 3, ll. 55-61).

**6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Miller in further view of U.S. Patent No. 6,587,985 issued to Fukushima et al., hereinafter "Fukushima".**

Regarding **claim 5**, Murphy in view of Miller discloses a network storage type video camera system with packet re-transmission capability (refer to the rejection of claim 1). However, Murphy in view of Miller does not disclose that lost packets to be supplied after the completion of the real-time packet transmission are obtained by deleting from the storage means the packets having been received by the moving image storage server according to the reception packet information reported from the moving image storage server.

Fukushima discloses a transmitter that comprises a storage means for storing packets for real-time transmission, from which lost packets to be supplied of the real-time packet transmission are obtained by deleting from the storage means the packets having been received by the receiver according to the reception packet information reported from the receiver (c. 16, ll. 47-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to maintain a retransmission buffer as disclosed by Fukushima in the system disclosed by Murphy in view of Miller in order for the transmitter to organize and retransmit the packets quickly from a buffered memory.

***Allowable Subject Matter***

7. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Bemben whose telephone number is (571) 272-7634. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMB 10/19/07 *RMB 10/19/07*

  
LIN YE  
SUPERVISORY PATENT EXAMINER